

Home (Prisons. A) Department

Sub:- Home Department - Prisons - Sri B. Raja Mahesh, Jailor, O/o the District Sub-Jails Officer, Eluru, - Punishment for postponement of (1) annual grade increments without cumulative effect - Appeal Petition - Reg.

Ref:- 1. From Sri B. Raja Mahesh, Jailor, Appeal Petition, dated 22-10-2007.

2. From the DG&IGP&CS., AP., Hyderabad, Letter No. EA2/1017/2007, dated 28-04-2008.

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Please see the appeal petition filed by filed by Sri B. Raja Mahesh, Jailor, O/o the District Sub-Jails Officer, Eluru, at pages 1-20 cf.

**2.** The Appeal Petition is filed against the punishment of postponement of (1) annual grade increment without cumulative effect awarded by the DG&IGP&CS., AP., Hyderabad, vide Proceedings No. EA2/158/2004, dated 17-09-2007. The petitioner has requested the Government to set aside the order of punishment.

**BRIEF FACTS OF THE CASE:**

**3.** B. Raja Mahesh, Jailor, while working as Jailor and in-charge Superintendent, District Jail, Nizamabad, was proceeded with disciplinary action under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991, for the following Articles of Charge issued by the DG&IGP&CS., AP., Hyderabad vide Memo No. EA2/158/2004, dated 06-05-2005.

**ARTICLE OF CHARGE:**

- (I) That the said Sri B. Raja Mahesh, the then Jailor and Superintendent (FAC), District Jail, Nizamabad, presently working as Jailor, Central Prison, Visakhapatnam, exhibited lack of application of mind in managing the prison efficiently and brought District Jail, Nizamabad, into disrepute by his highhandedness against staff and contravened Rule-3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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- (II) That the said Sri B. Raja Mahesh, the then Jailor and Superintendent (FAC), District Jail, Nizamabad, presently working as Jailor, Central Prison, Visakhapatnam, deviated from Rule 390 of AP Prisons Rules, 1979, by stopping abruptly the serving of breakfast to the prisoners while he was acting as Superintendent (FAC), District Jail, Nizamabad, which amounts to violation of rules.

**STATEMENT OF IMPUTATION:**

During the course of enquiry conducted by the DIG of Prisons (TR), Hyderabad, on 20-08-2004, it was revealed that Sri B. Raja Mahesh, the then Superintendent (FAC), District Jail, Nizamabad, was in the habit of teasing and harassing the executive staff of District Jail, Nizamabad. The system adopted by him in District Jail, Nizamabad, regarding granting of leave i.e introducing a printed leave proforma which is not made available to staff and which was kept in the custody of Chief Head Warder; maintaining queue system even for procuring a leave proforma and granting of 10% leaves out of the total available guarding staff without going into genuine reasons smacked of high handedness and caused great heartburn among the subordinate staff. It was revealed that he was in the habit of teasing the executive staff by using harsh words, especially against female Warder Smt D. Suhashini. Thus, the executive staff of District Jail, Nizamabad, had agitated and were unhappy with the style of functioning of Sri B. Raja Mahesh, Superintendent (FAC). He lacked tact and man-management qualities. He was unable to maintain cordial relationship with the staff on account of his teasing nature. His style of functioning and high handedness against staff has brought the institution in disrepute and criticism in the Press. Hence, the charge **(Article-I)**.

During his in-charge period i.e as Superintendent (FAC), District Jail, Nizamabad, he unnecessarily meddled with the system of distribution of food to the prisoners and also unilaterally stopped serving of breakfast to the prisoners which act is against Rule 390 of A.P. Prison Rules, 1979. This lead to uproar among prisoners and criticism in Press. It was only on the orders of the DIG of Prisons that the breakfast was restored. Hence, the charge. **(Article-II)**

**4.** The DG&IGP&CS., AP., Hyderabad, has appointed Sri A.G. Sainath Reddy, Superintendent of Jails, Central Prison, Rajahmundry, as Enquiry Officer to conduct enquiry into above articles of charge. The Enquiry Officer has submitted his report vide Lr No. CPR/Enquiry/9288/2006, dated 04-07-2006, and held the above charges proved.

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**5.** Accordingly, after following the due procedure prescribed under A.P. Civil Services (CC&A) Rules, 1991, the DG&IGP&CS., AP., Hyderabad, has awarded the punishment of "postponement of his next annual grade increment for one year without cumulative effect" on the delinquent officer vide proceedings No. EA2/158/2004, dated 17-09-2007.

**6.** Aggrieved by the above punishment, Sri B. Raja Mahesh, Jailor, has filed the appeal petition before the Government on 22-10-2007 and requested to set aside the orders of punishment. He adduced the following grounds:

1. That the two charges leveled against him are violative of instructions issued vide Memo. No. Rc/SA.5/89/87, dated 13-10-1987 and Memo No. SA.3/2953/88-2, dated 04-11-1998 and also instructions of DIG of Prisons (TR), Hyderabad, issued vide Circular Memo No. 20/98-2583, dated 25-09-1998.
2. That he was denied to be heard in person before the disciplinary authority. The Enquiry Officer has purposely not taken into consideration the depositions of (5) defense witnesses and standing instructions. Instead the EO relied upon the prosecution witness whose integrity was questioned as they had hostile attitude towards the charged officer for the cause of his upright functioning and animosity thereupon. Hence, the enquiry report is in violation of procedure prescribed under Rule-20 of A.P. Civil Services (CC&A) Rules, 1991, and principles of natural justice. Besides he faulted the enquiry report for abnormal delay in violation of Government Memo No. 24637/Ser.C/2002-2, GA (Ser.C) Department, dated 05-09-2000.
3. That the disciplinary authority without rebutting his contentions has unjustifiably punished him in a casual manner.
4. That he is an ex-serviceman from Indian Navy and dedicated to his legitimated duties. Thus, he has exhibited discipline in his functioning of work at public interest.

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**7.** The DG&IGP&CS., AP., Hyderabad, has furnished the following remarks on the appeal petition of Sri B. Raja Mahesh, Jailor.

1. The contention of Sri B. Raja Mahesh, Jailor, that two charges framed against him are in violation of instructions issued vide Memo. No. Rc/SA.5/89/87, dated 13-10-1987 and Memo No. SA.3/2953/88-2, dated 04-11-1998 and also instructions of DIG of Prisons (TR), Hyderabad, issued vide Circular Memo No. 20/98-2583, dated 25-09-1998, are not correct. These instructions are issued to the Institutional Heads so as to enable them to be very vigilant and to take all the precautions required for maintaining security and to avoid Jail breaks and escapes as well as to tightening up of security arrangements inside the Jail. The administration of the District Jail, Nijamabad, during the tenure of the Charged Officer as Superintendent (FAC) came into adverse criticism because of the administrative lapses, staff unrest, unrest among prisoners, harassment of Female Warders and mis-management and these issues were frequently reported adversely in the Press. In this regard, DIG of Prisons (TR), Hyderabad, conducted enquiry on 20-08-2004, and reported the irregularities committed by the Charged Officer. As the Charged Officer exhibited lack of application of mind in the managing the Prison efficiently and violated the executive instructions and rules, the charges were framed and disciplinary action was taken as per Rules as a corrective measures.
2. The contention of the Charged Officer that he was not permitted to be heard in person is not correct. He appeared before the disciplinary authority on 09-11-2005 and his pleading were recorded by the disciplinary authority.
3. The contention of the Charged Officer that the Enquiry Officer has not properly examined the witness and violated the rules is not correct. The Charged Officer was given ample opportunity to cross examine the witness. All the prosecution witnesses deposed against the Charged Officer. The Enquiry Officer has sustained the charges by examining the relevant records, prosecution witnesses in addition to the Eenadu Daily News Paper clipping, dated 18-03-2004.

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4. Adverse criticism about the Jail conditions and the administrative lapses, were frequently reported in the news. There have been several

adverse news items in the News Paper alleging irregularities on the part of Sri B. Raja Mahesh, Jailor. The DIG of Prisons (TR), Hyderabad, was requested to conduct enquiry and to submit report. In the process of collecting evidence and report, considerable time was consumed in framing charges. The Charged Officer has also took much time in asking extension of time limit for submission of his written statement. The Enquiry Officer has conducted enquiry as per rules and after careful examination only final orders were issued. Hence, there was no abnormal delay in completion of disciplinary case.

5. The contention of the Charged Officer that the disciplinary authority without rebutting his contentions has unjustifiably punished him in a casual manner, is not correct. The Charged Officer has never raised any objections during the course of enquiry till the completion of enquiry but merely after passing the final orders. The Charged Officer has filed the appeal petition saying that the disciplinary authority unjustifiably punished him is absolutely incorrect and unsustainable in Law.

**8.** The DG&IGP&CS., AP., Hyderabad, has submitted that as seen from the enquiry report and relevant statements of the prosecution witnesses, it is clear that the Charged Officer was harsh on Smt D. Subhasini, Female Warder, and harassed her by not informing the news of her husband's illness which was received by the Charged Officer through phone. From the statement of Sri M. Venknanna, Chief Head Warder, it is revealed that the Charged Officer never treated him in a humble way and he ill-treated him before staff and prisoners and he was forced to stay in Jail even after lock-up up to 8-00 PM. From the statements of prosecution witnesses, it is revealed that the Charged Officer had adopted a printed leave proforma for granting leave and there are instances of rejecting

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the leave applications which were written on white paper and the staff of District Jail, Nizamabad, were agitated often on this issue. The Charged Officer also exhibited highhanded behavior with the staff which is unwarranted.

Sri M. Venkanna, Chief Head Warder and Sri K. Sudhakar, Warder deposed that the charged officer stopped serving of break-fast to the prisoners for one or two days and it was restored on the request of the prisoner. It is revealed that the Charged Officer unnecessarily meddled with the system of distribution of food to the prisoners and also unilaterally stopped serving of break-fast to the prisoners for some days. His action was in violation of Rule-390 of A.P. Prisons Rules, 1979.

**9.** The DG&IGP&CS., AP., Hyderabad, is of the view that the above incidents clearly shows that Sri B. Raja Mahesh, Jailor, lacked transparency in administration, exhibited high handedness in dealing with the prisoners and staff without any reformatory approach which lead to the publication of adverse news item and adverse criticism of Jail administration. Hence, there are merits in the appeal petition and it deserves no consideration and the same may be rejected.

**10.** Submitted for orders on para (6) page (3) ante. After orders are passed the file may be circulated to Hon'ble M (Home) for approval.

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HOME (PRISONS. A) DEPARTMENT

ABSTRACT

Public Services - Prisons Service - Sri B. Raja Mahesh, Jailor, O/o the District Sub-Jails Officer, Eluru, East Godavari - Appeal Petition against the punishment of postponement of one annual grade increment without cumulative effect - Rejected - Orders - Issued.

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Read the following:-

From the DG&IGP&CS., AP., Hyderabad,  
Letter No. EA2/1017/2007, dated 28-04-2008.

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**ORDER :**

The DG&IGP&CS., AP., Hyderabad, in the reference read above, has forwarded the Appeal Petition filed by Sri B. Raja Mahesh, Jailor, O/o the District Sub-Jails Officer, Eluru, East Godavari District, against the punishment of "postponement of one annual grade increment without cumulative effect" awarded by the DG&IGP&CS., AP., Hyderabad, vide his proceedings No. EB2/158/2004, dated 17-09-2007.

**2.** Sri B. Raja Mahesh, while working as Jailor and in-charge Superintendent, District Jail, Nizamabad, was proceeded with disciplinary action under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991, for the following Articles of Charge issued by the DG&IGP&CS., AP., Hyderabad vide Memo No. EA2/158/2004, dated 06-05-2005.

- (I) That the said Sri B. Raja Mahesh, the then Jailor and Superintendent (FAC), District Jail, Nizamabad, presently working as Jailor, Central Prison, Visakhapatnam, exhibited lack of application of mind in managing the prison efficiently and brought District Jail, Nizamabad, into disrepute by his highhandedness against staff and contravened Rule-3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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- (II) That the said Sri B. Raja Mahesh, the then Jailor and Superintendent (FAC), District Jail, Nizamabad, presently working as Jailor, Central Prison, Visakhapatnam, deviated from Rule 390 of AP Prisons Rules, 1979, by stopping abruptly the serving of breakfast to the prisoners while he was acting as Superintendent (FAC), District Jail, Nizamabad, which amounts to violation of rules.

**3.** The DG&IGP&CS., AP., Hyderabad, has appointed Sri A. G. Sainath Reddy, Superintendent of Jails, Central Prison, Rajahmundry, as Enquiry Officer to conduct a detailed enquiry into the above articles of charge framed against the Charged Officer. The Enquiry Officer has submitted his report vide Lr No. CPR/Enquiry/9288/2006, dated 04-07-2006, and held the charges as proved.

**4.** The DG&IGP&CS., AP., Hyderabad, after following the due procedure laid down in Andhra Pradesh Civil Services (CC&A) Rules, 1991, has awarded the punishment of "postponement of next annual grade increment for one year without cumulative effect" to the delinquent officer vide proceedings No. EA2/158/2004, dated 17-09-2007. Aggrieved by the said punishment the individual has filed appeal petition before the Government on 22-10-2007, and requested to set aside the order of punishment on the grounds adduced therein.

**5.** Government, after careful examination of the appeal petition filed by Sri B. Raja Mahesh, Jailor, and after verifying the relevant records relating to the case, has concluded that the incumbent lacked transparency in administration, exhibited highhandedness in dealing with the prisoners and staff without any reformatory approach which led to the publication of adverse news item and adverse criticism on Jail administration. The applicant has not put forth any new grounds to consider his appeal petition to set aside the orders of punishment.

**6.** Accordingly, the revision petition filed by Sri B. Raja Mahesh, Jailor, is hereby rejected and the punishment awarded by the DG&IGP&CS., AP., Hyderabad, vide proceedings No. EA2/158/2004, dated 17-09-2007, is confirmed.

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**7.** The records furnished by the DG&IGP&CS., A.P., Hyderabad, in the reference read above, are returned herewith.



To  
The Director General & Inspector General of Prisons,  
& Correctional Services Andhra Pradesh,  
Hyderabad.

The individual **through** the DG&IGP&CS.,  
A.P., Hyderabad.

The District Sub-Jails Officer, Eluru, East Godavari District.  
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Please see the note at paras 1-11 on page 1-6 ante and the orders in circulation to Hon'ble M (Home) thereon.

The Hon'ble M (Home) has approved the orders passed by the Principal Secretary, Home, at para 11 on page 6 ante i.e to reject the appeal petition filed by Sri B. Raja Mahesh, Jailor, against the punishment of postponement of one annual grade increment without cumulative effect.

As per A.P. Public Service Commission Regulations, the consultation of A.P. Public Service Commission is not required in this case. Hence, it is for orders whether, the orders approved by the Hon'ble M (Home) may be implemented.

Subject to orders, a draft order is submitted below for approval.